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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/551,220	04/17/2000	Hiroaki Eto	0941.63938	1623

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EXAMINER

KAPADIA, VARSHA A

ART UNIT

PAPER NUMBER

2651

DATE MAILED: 03/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/551,220

Applicant(s)

ETO, HIROAKI

Examiner

Varsha A Kapadia

Art Unit

2651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948).
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Priority Papers

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure

Prior art submitted by the applicant on 17 April 2000 has been received and considered by the examiner.

Drawings

Drawings submitted by the applicant on 17 April 2000 has been approved.

Rejection Under 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuboi et al. Pat. No. 6,043,945 in view of Serrano et al. Pat. No. 6,181,500 B1

With regards to claims 1 and 6, Tsuboi et al. discloses the information storage device...(see fig.5) comprising: a recording area setting part (considered as means for formatting the disk); an error detecting means... (error is considered as defective sector); and a control part as claimed (see abstract, fig.5, and col.1 lines 41-49 and col.3 lines 20-30;wherein Tsuboi et al. also teaches that the defective sectors are replaced by the other recording areas during the process).

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Tsuboi et al fails to specify that the defect (error) is detected in the track following information (considered as servo field).

Serrano et al. However, teaches that the error is detected in the servo field and defective servo fields are replaced by the other recording areas (see abstract, fig.5 and col.2 lines 37-40).

It would have been obvious to one of ordinary skilled in the art to modify the information storage device disclosed by Tsuboi et al. with the above teachings from Serrano et al. in order to provide a system that detects the erroneous or false servo information and hence to prevent the data from being miswritten and to save time and cost at later times (see Serrano et al. on col.2 lines 4-19).

Claims 2-6 and 7-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuboi et al in view of Serrano et al as applied to claims 1 and 6 above, and further in view of Nemazie et al. Pat. No. 6,025,966.

With regards to claims 2-6 and 7-10, Tsuboi et al. in view of Serrano et al. discloses the invention as described above in this office action with respect to claims 1 and 6, but fails to disclose that the defect information that is detected before shipment is stored as a first defect information, and the information detected after the shipment is stored as a second defect information.

Nemazie et al. However discloses a defect management that store the defect information that is detected before shipment as a (primary defect list) first defect information, and the information detected after the shipment is stored as a (secondary list) second defect information (see col.3 lines 30-45).

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It would have been obvious to one of ordinary skilled in the art to further modify the information storage device disclosed by Tsuboi et al. in view of Serrano et al. with the above teachings from Nemazie et al. in order to provide a system that provides a use of the information from the defect information list to manage the defects and avoid writing data to bad or defective sectors and hence to improve the quality and efficiency of the disk drive (see Nemazie et al. col.3 lines 40-45).

U.S. Pat. No. 6,301,679 B1 reference to Tan cited as of interest.

U.S. Pat. No. 6,098,185 reference to Wilson cited as of interest.

U.S. Pat. No. 6,201,655 B1 reference to Watanabe et al cited as of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Varsha A Kapadia whose telephone number is (703) 305-3032. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth, can be reached on (703) 305-4825. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



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